

ORDINANCE NO. 9962 (N.S.)

AN ORDINANCE AMENDING TITLE 3, DIVISION 6, CHAPTER 4
OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES
RELATING TO NOISE CONTROL AND ABATEMENT

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Title 3, Division 6, Chapter 4 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

CHAPTER 4. NOISE ABATEMENT AND CONTROL

SEC. 36.401. PURPOSE.

Disturbing, excessive or offensive noise interferes with a person's right to enjoy life and property and is detrimental to the public health and safety. Every person is entitled to an environment free of annoying and harmful noise. The purpose of this chapter is to regulate noise in the unincorporated area of the County to promote the public health, comfort and convenience of the County's inhabitants and its visitors.

SEC. 36.402. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Ambient noise level" means the composite of existing noise from all sources at a given location and time. Ambient noise is sometimes referred to as background noise.
- (b) "Average sound level" means the level in decibels of the mean-square A-weighted sound pressure during a stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals. The "average sound level" is equivalent to the industry standard L_{EQ} .
- (c) "A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.
- (d) "Construction equipment" means tools, machinery or equipment including "special construction equipment" defined in the Vehicle Code, used in a construction operation on any construction site.

(e) "Container" means any receptacle, regardless of contents, manufactured from wood, metal, plastic, paper or any other material including but not limited to any barrel, basket, box, crate, tub, bottle, can or refuse container.

(f) "Decibel" means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

(g) "Disturbing, excessive or offensive noise" means any sound or noise that:

- (1) Endangers the health or safety of any person.
- (2) Causes discomfort or annoyance to a person of normal sensitivity.

(h) "Emergency work" means work: (1) necessary to restore property to a safe condition following a public calamity, (2) required to protect a person or property from injury or damage or (3) by a public or private utility to restore utility service.

(i) "Impulsive noise" means a single noise event or a series of single noise events, which causes a high peak noise level of short duration (one second or less), measured at a specific location. Examples include, but are not limited to, a gun shot, an explosion or a noise generated by construction equipment.

(j) "Maximum sound level" means the highest sound level reached when measuring noise with a sound level meter using the A-weighted network and slow time weighting. The "maximum sound level" is equivalent to the industry standard known as L_{MAX} .

(k) "Motor vehicle" means any self-propelled vehicle as defined in the Vehicle Code and includes a mini-bike and a go-cart.

(l) "Noise control officer" means the County Director of the Department of Planning and Land Use or a person appointed or retained by the Director to perform this function.

(m) "Occupied property" means property on which there is a building for which a certificate of occupancy has been issued.

(n) "Off-road recreational vehicle" means a motor vehicle that is being operated other than on a public or private roadway, whether or not the vehicle was designed or intended for off-road use and may include but is not limited to a motorcycle, go-cart, camper, dune buggy, ATV, racecar, automobile, SUV, pick-up truck or truck. A piece of farm equipment or a motor vehicle being used for an agricultural, military, fire, emergency or law enforcement use or by a public or private utility for work on utilities is not an "off-road recreational vehicle."

(o) "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words or the artist performing the music.

(p) "Powered model vehicle" means a model airplane, model boat or model vehicle of any type or size not designed for carrying persons or property and which may be propelled other than by manpower or wind power.

(q) "Sound amplifying equipment" means any machine or device used to amplify music, the human voice or any sound and does not include a standard automobile radio when used and heard only by the occupants of the vehicle in which it is installed.

(r) "Sound level" means the weighted sound pressure level obtained using a sound level meter and frequency weighting network as provided in the American National Standards Institute (ANSI) specifications for sound level meters. As used in this chapter, "sound level" means the same as "noise level."

(s) "Sound level meter" means an instrument for the measurement of sound levels, which meets or exceeds the requirements pertinent for a type 1 or type 2 meter in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision.

(t) "Sound truck" means a "vehicle," as that term is defined in the Vehicle Code that has or uses sound amplifying equipment.

SEC. 36.403. SOUND LEVEL MEASUREMENT.

(a) A sound level measurement made pursuant to this chapter shall be measured with a sound level meter using A-weighting and a "slow" response time, as these terms are used in ANSI S1.1-1994 or its latest revision.

(b) Each measurement shall be conducted at the boundary line of the property on which the noise source is located or any place on the affected property, but no closer than five feet from the noise source.

(c) The sound level meter shall be calibrated and adjusted by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision. The sound level meter shall be used as provided in the manufacturer's instructions.